THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.16857 OF 2005

DATE: 29-07-2005

Between:

Pangam Rambabu …… Petitioner

And

The Executive Officer,

Sri Bala Venkateswara Swamy Temple, Padiparru.. .. Respondent

ORAL ORDER:

The petitioner challenges condition No.3 in tender cum auction notification dated 22-7-2005 whereby the lands belonging to Sri Bala Venkateswara Swamy Vari Devastanam of an extent of Ac.2-79 cents were proposed to be put to auction. ConditionNo.3 of the tender conditions requires the successful bidder to inform the total number of bags to be purchased, to pay Rs.450/- per bag per year towards advance by way of D.D. drawn on Andhra Bank, Tanuku in the name of Sri Bala Venkateswara Swamy Vari Devastanam and to enclose the same along with the tender.

Learned counsel for the petitioner contends that this condition is onerous and ought not to be imposed. It is his case that if the condition is relaxed, the petitioner, who is a small farmer would be entitled to participate in the tender process.

What are the conditions required to be imposed, while conducting auctions is for the authority concerned to decide and not for this court normally, to examine in exercise of its jurisdiction under Article 226 of the Constitution of India. It is only in cases where the condition stipulated in the tender notification is given a go bye by the authorities concerned and the tender is awarded in violation of such conditions that awarding of the work would be rendered illegal. If the temple wants to maximize its

revenues by asking the successful bidder to pay an amount of Rs.450/- per bag in advance, it cannot be said that such a condition is onerous. The petitioner herein is not entitled to seek relaxation, of conditions prescribed in a tender notification, in proceedings under Article 226 of the Constitution of India.

The writ petition as filed is wholly misconceived and is accordingly dismissed. No costs.

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29-7-2005

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